

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 2970 of 2005

Between:

K. Venkateswarlu, S/o. K. Pullaiah,
Kurnool District, Backward Classes Service Coop. Society Limited,
Samkshema Bhavan, Kurnool.

..... PETITIONER

AND

- 1 The Managing Director, A.P. Backward Classes Co-operative Finance Corporation Limited, First Floor, Samkshema Bhavan, Masab Tank, Hyderabad -500 028, A.P.
- 2 The District Collector/Chairman, B.C. Corporation, Kurnool.
- 3 The Executive Director, Kurnool District Backward Classes Service Co-operative Society Limited, Samkshema Bhavan, Kurnool.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issued a writ, order or direction more particularly one the nature of writ of MANDAMUS declaring the action of the Respondents herein in not promoting the petitioner herein as per Bye-laws, rules and regulations as illegal, improper, arbitrary and against all cannons of justice, besides being violative of Art. 14,16,19 and 21 of the Constitution of India, consequently direct the Respondents herein to promote the petitioner with effect from 10-3-1998 to the post of Junior Assistant/Typist as he is fully qualified as eligible as per rules.

Counsel for the Petitioner: MR.R.RAMANJANEYULU

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not promoting the petitioner to the post of Junior Assistant/Typist as per the by-laws and the rules and regulations as illegal and arbitrary.

Heard the learned Government Pleader for Cooperation and perused the material on record.

As per the by-laws of the Society, promotion to the post of Junior Assistant/Typist is from the feeder categories like Drivers, Roneo Operators, Record Assistants and Last Grade employees. The petitioner is working as Last Grade Employee. Therefore, he is qualified for promotion to the post of Record Assistant as per the by-laws. As a matter of fact, the petitioner is eligible for promotion by virtue of proceedings of the 2nd and 3rd respondents.

Therefore, an appropriate decision has to be taken by the respondents in accordance with the rules and regulations and also duly taking into consideration the seniority of the persons who are working in the existing vacancies of feeder categories.

In the result, the writ petition is disposed of with a direction to the respondents to take appropriate decision in

giving promotion to the petitioner if he is otherwise found suitable in accordance with the by-laws and the rules and regulations, within a period of six weeks from the date of receipt of a copy of this order. In the circumstances of the case, there shall be no order as to costs.

J.)

18th February, 2005.

bcj

(K.C. BHANU,

To

- 1 The Managing Director, A.P. Backward Classes Co-operative Finance Corporation Limited, First Floor, Samkshema Bhavan, Masab Tank, Hyderabad -500 028, A.P.
- 2 The District Collector/Chairman, B.C. Corporation, Kurnool.
- 3 The Executive Director, Kurnool District Backward Classes Service Co-operative Society Limited, Samkshema Bhavan, Kurnool.
4. Two C.D. copies

Note: Furnish C.C. by Monday

b/o

bcj